



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,629	11/13/2001	Scott Cohen	55393 (44614)	9975

21874 7590 02/07/2005

EDWARDS & ANGELL, LLP  
P.O. BOX 55874  
BOSTON, MA 02205

EXAMINER

MOE, AUNG SOE

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/007,629

Applicant(s)

COHEN ET AL.

Examiner

Aung S. Moe

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-20 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/02, 2/03</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 13 is objected to because of the following informalities: In claim 13, line 1, the phrase "claim 1" should be changed to - - claim 11 - -. Appropriate correction is required.

For the purpose of examination, the Examiner is considering the claim 13 is being depending on claim 11.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4-9, 11, and 13-20 are rejected under 35 U.S.C. 102(a) as being anticipated by Ionson et al. (WO 00/31966).

Regarding claim 1, Ionson '966 discloses a digital data storage and transmitting device (i.e., Figs. 1-5) comprising:

a controller (i.e., noted the controller elements 10 of Fig. 2 and the PC unit as shown in Fig. 5) configured and arranged so as to control the operation of the digital data storage and

Art Unit: 2612

transmitting device (i.e., see Fig. 2, the elements 15, 17 and 18; Fig. 5, the element 41) and functionalities thereof; a storage medium (i.e., see Fig. 2, the element 17; and Fig. 5, the CD recorder); an I/O mechanism (i.e., Fig. 2, the element 11) configured and arranged so as to operably connect the storage medium (i.e., Fig. 2, the element 17) and a data output of an image capturing device (2); a transmitting apparatus (i.e., Fig. 2, the elements 15 and 18; page 11, lines 5+) operably connected to the storage medium (17); and wherein the controller (i.e., Fig. 2, the elements 12 and 16 of the control unit 10) controls the downloading of digitized image data from the image capturing device (2) via the I/O mechanism (11) and storage of said data in the device storage medium (17), and controls the transmission of the stored downloaded data from the device storage medium (i.e., the element 17) via the transmitting apparatus (i.e., Fig. 2, the elements 15 and 18) to another storage medium (i.e., the noted the processing center 3; page 9, lines 15+) serviced by a server remote (i.e., noted from Figs. 3 and 5, the processing server 3 and 41-43 are remotely located from the unit 4/10) from the digital data storage and transmitting device (i.e., page 14, lines 15+).

Regarding claim 4, Ionson '966 discloses wherein the transmitting mechanism embodies wireless communication protocols and techniques (i.e., page 9, lines 30+, page 10, lines 5+ and page 28, lines 10+).

Regarding claim 5, Ionson '966 discloses wherein the controller includes a microprocessor (i.e., noted the PC/processor unit as shown in Figs. 2 and 5 is used to run a software 30, thus, the use of microprocessor is considered an inherent features of the device 10 and the PC as used in the system of Ionson '966) and an applications program (Fig. 4, page 18, lines 4+) for execution on the microprocessor (i.e., noted the use of a software system 30 on the

processor of the unit 10), the applications program including instructions and criteria for: downloading digitized image data from the image capturing device (page 11, lines 10+) via the I/O mechanism (11); processing the downloaded digitized data so that it is stored in the device storage medium (i.e., see Figs. 2 and 3, the elements 17, 22 and 23; page 11, lines 10+; page 15, lines 15+), and transmitting (i.e., noted the use of elements 15 of Fig. 2 and the elements 24a/24b of Fig. 3) the stored downloaded data from the device storage medium (17) to the another storage medium (22 and 23).

Regarding claim 6, Ionson '966 discloses wherein the applications program further includes instructions and criteria (i.e., see the APPENDIX A; and page 19, lines 10+ and page 23, lines 5+) for: establishing a communications link between the image capturing device and the microprocessor before the downloading of data (page 9, lines 15+, page 10, lines 10+, page 18, lines 10+); and establishing a communications link between the microprocessor and the remote server (i.e., noted the communication between the processor 16 of the unit 10 and processor 21 of the unit 3; see page 10, lines 4+, page 13, lines 10+, and col. 14, lines 20+).

Regarding claim 7, Ionson '966 discloses wherein the applications program further includes instructions and criteria for: converting the digitized data to be transmitted into the appropriate format for transmission (i.e., noted that the digital image data transmitted from the unit 10 is accomplished by using a high-speed and a specific modem, thus, the digital image data must be formatted in accordance with appropriate format to routes the image files; col. 11, lines 15+, col. 13, lines 1+); and encrypting the transmission (i.e., page 14, lines 14+).

Regarding claim 8, Ionson '966 discloses wherein the I/O mechanism comprises a port configured and arranged (i.e., noted the elements 11 and the Dial-up switches as shown in Figs. 2 and 5) so as to be compatible with a particular communications protocol and technique used to communicate (i.e., page 10, lines 5+ and page 28, lines 5+) the digitized data from the image capturing device (2) and the device storage medium (4/10).

Regarding claim 9, Ionson '966 discloses wherein the I/O mechanism includes a second transmitting mechanism that embodies wireless communication protocols and techniques (i.e., page 9, lines 33+ and page 28, lines 10+).

Regarding claim 11, Ionson '966 discloses an image capturing and storage system (i.e., Figs. 1-5) comprising: an image capturing device (2); a digital data storage and transmitting device (i.e., Figs. 2 and 5; the elements 10 and the PC unit); a server including a storage medium (i.e., Figs. 3 and 5, the elements 3 and 41-43); a first communications link (i.e., the link between the camera unit 2 and the interface unit 4/10 or the PC unit as shown in Figs. 2 and 5) removable<sup>5</sup> interconnecting the image capturing device and the digital storage and transmitting device (noted the camera unit 2 is removable interfacing with the device 4/10 as shown in Figs. 1 and 2);

a second communications link (i.e., the link between the interface unit 4/10 and the interface processing unit 3 as shown in Figs. 2 or the server unit 41-43 as shown in Fig. 5) interconnecting the digital data storage and transmitting device (4/10) and the server (3/41-43); and wherein the digital data storage and transmitting device (4/10) comprises: a controller (i.e., the elements 12, 13 and 16) configured and arranged so as to control the operation of the digital data storage and transmitting device (4/10) and functionalities thereof, a storage medium (i.e.,

Art Unit: 2612

the memory 17 of Fig. 2); an I/O mechanism (i.e., the element 11 of Fig. 2) configured and arranged so as to operably connect the storage medium (17) to the first communications link (i.e., noted the communication link established from the modem 15 of the unit 10 to the server 3); a transmitting apparatus (15/13) operably connected to the storage medium (17); and wherein the controller (i.e., noted the use of remote controller devices 13 and 14 for controlling the downloading of the image data from the camera unit 2; col. 11, lines 10+) controls the downloading of digitized image data from the image capturing device (2) via the I/O mechanism (i.e., the element 11) and storage of said data in the device storage medium (17), and controls the transmission of the stored downloaded data from the device storage medium (17) via the transmitting apparatus to the server storage medium (i.e., noted the server storage medium 23 and 22 of Fig. 3; page 14, lines 20+).

Regarding claim 13, Ionson '966 discloses wherein the first communications link and the device I/O mechanism embodies wireless communication protocols and techniques (i.e., page 9, lines 30+, page 10, lines 5+ and page 28, lines 10+).

Regarding claim 14, Ionson '966 discloses wherein a portion of the second communications link and the device transmitting mechanism embodies wireless communication protocols and techniques (i.e., page 9, lines 30+, page 10, lines 5+ and page 28, lines 10+).

Regarding claim 15, Ionson '966 discloses wherein the device controller includes a microprocessor (i.e., noted the PC/processor unit as shown in Figs. 2 and 5 is used to run a software 30, thus, the use of microprocessor is considered an inherent features of the device 10 and the PC as used in the system of Ionson '966) and an applications program (Fig. 4, page 18,

Art Unit: 2612

lines 4+) for execution on the microprocessor (i.e., noted the use of a software system 30 on the processor of the unit 10), the applications program including instructions and criteria for: downloading digitized image data from the image capturing device (page 11, lines 10+) via the first communications link and the I/O mechanism (11); processing the downloaded digitized data so that it is stored in the device storage medium (i.e., see Figs. 2 and 3, the elements 17, 22 and 23; page 11, lines 10+; page 15, lines 15+), and transmitting (i.e., noted the use of elements 15 of Fig. 2 and the elements 24a/24b of Fig. 3) the stored downloaded data from the device storage medium (17) to the another storage medium (22/23 or the storage of the server 41-43 of Fig. 5) over the second communications link (i.e., the communications link between the interface unit 10 and the processing server 3/41 as shown in Figs. 2 and 5).

Regarding claim 16, Ionson '966 discloses wherein another portion of the second communications link comprises a network infrastructure embodying of at least one of a wired or wireless protocol/technique (i.e., page 9, lines 30+, page 10, lines 5+ and page 28, lines 10+).

Regarding claim 17, Ionson '966 discloses a method for capturing images using an image capturing device (i.e., the camera unit 2) and storing the captured images at a remote storage location (i.e., noted the storage units 4/10, 3 and 41-43 as shown in Figs 2-5) comprising the steps of: providing a digital data storage and transmitting device including (page 11, lines 1+): a controller (i.e., the elements 13, 14, 15 and 16 of Fig. 2) configured and arranged so as to control the operation of the digital data storage and transmitting device (10) and functionalities thereof, a storage medium (17), an I/O mechanism (11) configured and arranged so as to operably connect the storage medium (17) to the image capturing device (2), and a transmitting apparatus (15) operably connected to the storage medium (17); downloading (i.e., page 11, lines 5+) digitized



Art Unit: 2612

image data from the image capturing device (2) via the I/O mechanism (11); storing (page 11, lines 10+) said downloaded data in the device storage medium (17); and transmitting (page 11, lines 15+) the stored downloaded data from the device storage medium (17) via the transmitting apparatus (15) to the server storage medium (i.e., the storage devices 22/23 of Fig. 3).

Regarding claim 18, Ionson '966 discloses further comprising the steps of: establishing a first communications link (i.e., noted the communications link between the camera unit 2 and the interface unit 4/10) removably interconnecting (i.e., page 11, lines 5+) the image capturing device (2) and the digital storage and transmitting device (4/10); and establishing a second communications link (i.e., noted the communications link between the interface unit 4/10 and the processing unit 3) interconnecting the digital data storage and transmitting device (4/10) and the server (3).

Regarding claim 19, Ionson '966 discloses wherein one of the first communications link embodies wireless communication protocols and techniques or a portion of the second communications link embodies wireless communication protocols and techniques (i.e., page 9, lines 30+, page 10, lines 5+ and page 28, lines 10+).

Regarding claim 20, Ionson '966 discloses wherein another portion of the second communications link comprises a network infrastructure embodying of at least one of a wired or wireless protocol/technique (i.e., page 9, lines 30+, page 10, lines 5+ and page 28, lines 10+).

4. Claims 1-3 and 11-12 are rejected under 35 U.S.C. 102(a) as being anticipated by Ullman (EP 0,905,679 A2).

Regarding claim 1, Ullmann '679 discloses a digital data storage and transmitting device (100a) comprising: a controller (105/130) configured and arranged so as to control the operation of the digital data storage and transmitting device (100a) and functionalities thereof; a storage medium (180); an I/O mechanism (i.e., noted the I/O units 200a-200f) configured and arranged so as to operably connect the storage medium (180) and a data output of an image capturing device (170); a transmitting apparatus (i.e., noted the use of the element 200f for transmitting the image data from the computer 100a to other computer 100b-d over a LAN 210 for storing, archiving and retrieving information as discussed in col. 3, lines 35+, thus, the computer 100a must includes a transmitting device therein) operably connected to the storage medium (180); and wherein the controller (105/130) controls the downloading of digitized image data from the image capturing device (170) via the I/O mechanism (200e/200c) and storage of said data in the device storage medium (180), and controls the transmission of the stored downloaded data from the device storage medium (180) via the transmitting apparatus (i.e., noted the use of elements 200f and LAN as shown in Fig. 1) to another storage medium serviced by a server (i.e., noted that the remote computer server 100b-d is used for storing archiving as retrieving information from the computer 100a, thus, the remote computer server 100b-d must include another storage medium; see col. 3, lines 30+) from the digital data storage and transmitting device (100a).

Regarding claim 2, Ullmann '679 discloses wherein the device storage medium comprises a non-volatile type of storage medium (page 9, lines 10-20).

Regarding claim 3, Ullmann '679 discloses wherein the non-volatile type of storage medium comprises one of flash memory, spindle memory, a non-volatile type of random access memory or a hard drive (i.e., see page 9, lines 10-20).

Regarding claim 11, Ullmann '679 discloses an image capturing and storage system (Fig. 1) comprising: an image capturing device (170); a digital data storage and transmitting device (100a); a server including a storage medium (noted that computer sever 100a contain a Hard Disk 180, and the remote server 100b-d are similar to the computer server 100a, thus, the remote server 100b-d must include a storage medium, such as a Hard Disk 180 as shown in Fig. 1. Moreover, the Internet 220 normally contain a storage medium as well); a first communications link removable interconnecting the image capturing device and the digital storage and transmitting device (i.e., noted the link between the camera 170 and the computer server 100a via an I/O port 200e); a second communications link (i.e., noted the link over the I/O port 200f and LAN between the computer server 100a, 100b-d and the Internet 220 as shown in Fig. 1) interconnecting the digital data storage and transmitting device (100a) and the server (100b-d/220); and wherein the digital data storage and transmitting device comprises: a controller (i.e., noted the CPU 105 and system 130 of the computer server 100a as shown in Fig. 1) configured and arranged so as to control the operation of the digital data storage and transmitting device (100a) and functionalities thereof, a storage medium (180); an I/O mechanism (200a-f) configured and arranged so as to operably connect the storage medium (180) to the first communications link (i.e., noted that the image from the camera 170 can be saved in the memory 180 of the computer server 100a via the I/O communication link 200 as shown in Fig. 1); a transmitting apparatus (i.e., noted the use of the element 200f for transmitting the image data

Art Unit: 2612

stored in the memory 180 of the computer 100a to other computer 100b-d/Internet over a LAN 210 for storing, archiving and retrieving information as discussed in col. 3, lines 35+, thus, the computer 100a must includes a transmitting device therein) operably connected to the storage medium (180); and wherein the controller controls the downloading of digitized image data from the image capturing device (170) via the I/O mechanism (200) and storage of said data in the device storage medium (180), and controls the transmission of the stored downloaded data from the device storage medium (180) via the transmitting apparatus (200/LAN) to the server storage medium (i.e., noted that the remote computer server 100b-d is used for storing archiving as retrieving information from the computer 100a, thus, the remote computer server 100b-d must include another storage medium. Moreover, the Internet 220 normally contain a storage medium as well see col. 3, lines 30+).

Regarding claim 12, Ullmann '679 discloses wherein the device storage medium comprises a non-volatile type of storage medium, the non-volatile type of storage medium comprising one of flash memory, spindle memory, a non-volatile type of random access memory or a hard drive (i.e., page 9, lines 10-20).

***Allowable Subject Matter***

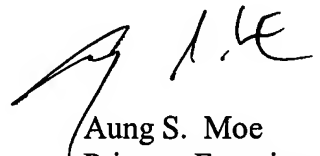
5. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 703-306-3021. The examiner can normally be reached on Mon-Fri (9-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929 (or 571-272-7308). The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aung S. Moe  
Primary Examiner  
Art Unit 2612

A. Moe  
February 2, 2005